IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5676 OF 2006.

The Maharashtra State Electricity Distribution Company Ltd. ... Petitioner.

V/s.

Smt. Lata Dhondiba Shirke. ... Respondent.

L.M.Acharya for the petitioner.

CORAM: V.C.DAGA, J.

DATED: 14th September 2006.

P.C.:

. Heard learned counsel for the petitioner.

. Perused petition.

2. It is not in dispute that respondent-workman was working with the petitioner as Sweeper since 1989 as admitted by the witness of the petitioner. The only contention canvassed on behalf of the petitioner is that she was employed on contract basis and she was working on an hourly basis. The very same contention was raised before the reference Court which did not find favour with the reference Court in view of absence of evidence in support thereof. On the contrary, ample evidence is available on record to suggest that respondent was working in two offices, which were

under the control of the petitioner, and she was paid Rs.1,500/- per month. If the petitioner contends that respondent was working on part-time basis, then it was open for the petitioner to produce material on record. The petitioner-employer like M.S.E.B. cannot be heard of saying that respondent was appointed orally and her termination order was also oral. No payment vouchers are produced on record to spell out her employment on contract basis. The very fact that respondent was working since 1989 is sufficient to show that there is permanent nature of work. In that view of the matter, no case is made out to interfere with the impugned order. The view taken is a reasonable and possible view and can be sustained on the basis of evidence on record, copies of which are supplied by the learned counsel for the petitioner.

3. In the result, petition is dismissed in limine with no order as to costs

(V.C.DAGA, J.)